

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARIE C.,

Plaintiff,

-v-

6:21-CV-773

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

OFFICE OF PETER W.
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CHRISTINE A. SAAD, ESQ.
Special Ass't U.S. Attorney

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On July 7, 2021, plaintiff Marie C.¹ (“plaintiff” or “claimant”) filed this action seeking review of the final decision of defendant Commissioner of Social Security (“Commissioner” or “defendant”) denying her application for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) under the Social Security Act (the “Act”). Dkt. No. 1.

After the Commissioner filed a copy of the Administrative Record, Dkt. No. 8, both parties briefed the matter in accordance with General Order 18, which provides that an appeal taken from a final decision denying benefits will be treated as if the parties have filed cross-motions for a judgment on the pleadings, Dkt. Nos. 11, 17.

On August 25, 2022, after hearing oral argument from the parties, U.S. Magistrate Judge David E. Peebles advised in a thirty-seven page Report & Recommendation (“R&R”) that plaintiff’s motion for a judgment on the pleadings be denied, the Commissioner’s motion for a judgment on the pleadings be granted, the Commissioner’s decision be affirmed, and that plaintiff’s complaint be dismissed. Dkt. No. 19.

¹ In accordance with a May 1, 2018 memorandum issued by the Judicial Conference’s Committee on Court Administration and Case Management and adopted as local practice in this District, only claimant’s first name and last initial will be mentioned in this opinion.

Neither party has filed objections, and the time period in which to do so has expired. *See* Dkt. No. 19. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

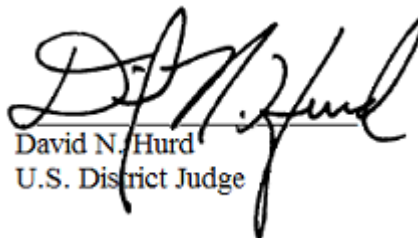
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's motion for a judgment on the pleading is DENIED;
3. The Commissioner's motion for a judgment on the pleadings is GRANTED;
4. The Commissioner's decision is AFFIRMED; and
5. Plaintiff's complaint is DISMISSED.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 20, 2022
Utica, New York.


David N. Hurd
U.S. District Judge